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SENATE BILL

No. 506

Introduced by Senator Poochigian

(Coauthor: Senator Dunn)

(Coauthors: Assembly Members Aghazarian, Bermudez, Garcia,
La Suer, and Mountjoy)

February 18, 2005

An act to amend Section 2194 of, and to add Section 2166.7 to, the Elections Code, and to amend Section 6254.24 of the Government Code, relating to public officials.

LEGISLATIVE COUNSEL'S DIGEST

SB 506, as amended, Poochigian. Public officials.

Existing law provides, until January 1, 2008, that participants in the "Address Confidentiality for Victims of Domestic Violence and Stalking" program and the "Address Confidentiality for Reproductive Health Care Service Providers, Employees, Volunteers, and Patients" program—and who complete an application containing specified information in person at a community-based victims' assistance

program may have certain personal information, including the program participant's voter registration, remain confidential and not disclosed to the public.

This bill would require a local elections official to extend this confidentiality of voter registration information to specified public safety officials, upon application, as specified, for a period of no more than two years, if the local elections official is authorized to do so by his or her county board of supervisors. The application of a public safety official would be a public record.

This bill would also include the signature of a voter on a voter registration card as part of the voter registration information entitled to confidentiality.

Existing law prohibits a state or local agency from posting on the Internet the home address or telephone number of any elected or appointed official. It also prohibits, and makes punishable as a misdemeanor or felony, as specified, any person from knowingly posting this information or that of the official's residing spouse or child on the Internet knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is variously defined and includes specified public safety officials, as separately defined.

This bill would add to the definition of public safety officials state and federal judges and court commissioners. By expanding an existing crime, this bill would impose a state-mandated local program.

This bill would make technical and conforming changes to existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2166.7 is added to the Elections Code,
2 to read:

1 2166.7. (a) If authorized by his or her county board of
2 supervisors, a county elections official shall, upon application of
3 a public safety officer, make confidential that officer's residence
4 address, telephone number, and e-mail address appearing on the
5 affidavit of registration, in accordance with the terms and
6 conditions of this section.

7 (b) The application by the public safety officer shall contain a
8 statement, signed under penalty of perjury, that the person is a
9 public safety officer as defined in subdivision (f) and that a life
10 threatening circumstance exists to the officer or a member of the
11 officer's family. The application shall be a public record.

12 (c) The confidentiality granted pursuant to subdivision (a) shall
13 terminate no more than two years after commencement, as
14 determined by the county elections official. The officer may
15 submit a new application for confidentiality pursuant to
16 subdivision (a), and the new request may be granted for an
17 additional period of not more than two years.

18 (d) Any person granted confidentiality under subdivision (a)
19 shall:

20 (1) Be considered an absent voter for all subsequent elections
21 or until the county elections official is notified otherwise by the
22 Secretary of State or in writing by the voter. A voter requesting
23 termination of absent voter status thereby consents to placement
24 of his or her residence address, telephone number, and e-mail
25 address in the roster of voters.

26 (2) In addition to the required residence address, provide a
27 valid mailing address to be used in place of the residence address
28 for election, scholarly, or political research, and government
29 purposes. The elections official, in producing any list, roster, or
30 index may, at his or her choice, use the valid mailing address or
31 the word "confidential" or some similar designation in place of
32 the residence address.

33 (e) No action in negligence may be maintained against any
34 government entity or officer or employee thereof as a result of
35 disclosure of the information that is the subject of this section
36 unless by a showing of gross negligence or willfulness.

37 (f) "A public safety officer" has the same meaning as defined
38 in subdivision (a), (d), (e), (f), or (j) of Section 6254.24 of the
39 Government Code.

SEC. 2. Section 2194 of the Elections Code is amended to read:

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) *Shall not be used for any personal, private, or commercial purpose, including, but not limited to:*

(A) *The harassment of any voter or voter's household.*

(B) *The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.*

(C) *Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3).*

(3) *Shall be provided with respect to any voter, subject to the provisions of Sections 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.*

(b) (1) Notwithstanding any other provision of law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to voter registration records to comply with the requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

~~(c) The home address~~

(2) *Notwithstanding any other provision of law, the signature of the voter shown on the voter registration card is confidential and shall not be disclosed to any person, except as provided in subdivision (c).*

(c) (1) *The home address or signature of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or 14240 to 14253, inclusive.*

~~The address~~ Article 3 (commencing with Section 14240) of Chapter 3 of Division 14. The address or signature shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining whether the signature matches a signature on an affidavit of registration or a petition, but shall not permit a signature to be copied.

(d) A governmental entity, or officer or employee thereof, shall not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

(e) For the purposes of this section, “voter’s household” is defined as the voter’s place of residence or mailing address or any persons who reside at the place of residence or use the mailing address as supplied on the affidavit of registration pursuant to paragraphs (3) and (4) of subdivision (a) of Section 2150.

SEC. 3. Section 6254.24 of the Government Code is amended to read:

6254.24. As used in this chapter, “public safety official” means any of the following:

(a) An active or retired peace officer as defined in Sections 830 and 830.1 of the Penal Code.

(b) An active or retired public officer or other person listed in Sections 1808.2 and 1808.6 of the Vehicle Code.

(c) An “elected or appointed official” as defined in subdivision (c) of Section 6254.21.

(d) Attorneys employed by the Department of Justice, the State Public Defender, a county office of the district attorney or public defender, the United States Attorney, or the Federal Public Defender.

(e) City attorneys and attorneys who represent cities in criminal matters.

(f) Specified employees of the Department of Corrections, the California Youth Authority, and the Prison Industry Authority who supervise inmates or are required to have a prisoner in their care or custody.

(g) Nonsworn employees who supervise inmates in a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes.

(h) Federal prosecutors and criminal investigators and National Park Service Rangers working in California.

(i) The surviving spouse or child of a peace officer defined in Section 830 of the Penal Code, if the peace officer died in the line of duty.

(j) State and federal judges and court commissioners.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CORRECTIONS:

Heading — Line 4.

Text — Page 4.